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11 United States of America

12 UNITED STATES DISTRICT COURT
13
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 SOUTHERN DIVISION

| | | |
|------------------------------|---|-----------------------------|
| 16 UNITED STATES OF AMERICA, |) | NO. SACV 08-1175 CJC (RNBx) |
| |) | |
| 17 Plaintiff, |) | {PROPOSED} |
| |) | |
| 18 v. |) | CONSENT JUDGMENT |
| |) | |
| 19 ONE 2005 LOTUS ELISE, |) | |
| |) | [NOTICE OF LODGING LODGED |
| 20 Defendant. |) | CONCURRENTLY HERewith] |
| |) | |
| 21 |) | |
| 22 DIEU PHAN, |) | |
| |) | |
| 23 Claimant. |) | |
| 24 |) | |

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28 FDK:ka

1 On October 20, 2008, plaintiff United States of America
2 ("plaintiff" or the "government") filed a Complaint for Forfeiture
3 against the defendant property as follows: One 2005 Lotus Elise
4 (the "2005 Lotus") (the "defendant property"). The government
5 alleged that the defendant property was subject to forfeiture
6 pursuant to 21 U.S.C. § 881(a)(4).

7 Claimant Dieu Phan has not filed a claim or an answer. No
8 other claims, statements of interest, or answers have been filed,
9 and the time for filing claims, statements, and answers has
10 expired.

11 The government and claimant have agreed to settle this
12 forfeiture action and to avoid further litigation.

13 The Court having been duly advised of and having considered
14 the matter, and based upon the consent of plaintiff and claimant,

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

16 1. This Court has jurisdiction over this action pursuant to
17 28 U.S.C. §§ 1345 and 1355.

18 2. The Complaint for Forfeiture states a claim for relief
19 pursuant to 21 U.S.C. § 881(a)(4).

20 3. Notice of this action has been given as required by law.
21 Claimant is relieved of his duty to file a claim and answer in
22 this action. The Court deems that all other potential claimants
23 admit the allegations of the Complaint for Forfeiture to be true.

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1 4. Claimant agrees to forfeiture as set out below. A
2 judgment of forfeiture is hereby entered in favor of the United
3 States, which shall dispose of the following defendant properties
4 in accordance with the law:

5 (A) Within thirty calendar days of the entry of
6 judgment, claimant shall pay the government \$2,000.00, which
7 shall be condemned and forfeited to the United States in
8 accordance with law. Payment shall be made in the form of a
9 cashier's check payable to the United States Treasury
10 Department. The cashier's check shall be delivered to
11 Assistant United States Attorney Frank D. Kortum at United
12 States Courthouse, 312 North Spring Street, Suite 1400, Los
13 Angeles, California 90012.

14 (B) The 2005 Lotus Elise shall be returned to claimant
15 Dieu Phan.

16 5. Claimant will execute further documents, to the extent
17 necessary, to further implement the terms of this Consent
18 Judgment.

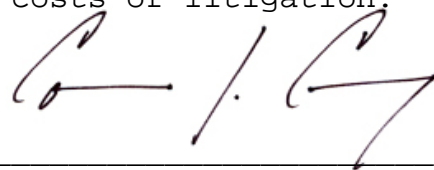
19 6. Claimant waives the redacting and sealing requirements
20 of L.R. 79-5.4.

21 7. Claimant hereby releases the United States of America,
22 its agencies, officers, and employees, including employees of the
23 Drug Enforcement Administration, and local law enforcement
24 agencies, their agents, officers, and employees, from any and all
25 claims, actions, or liabilities arising out of or related to this
26 action, including, without limitation, any claim for attorneys'
27 fees, costs, or interest on behalf of claimants, whether pursuant
28 to 28 U.S.C. § 2465 or otherwise.

1 8. The Court finds that there was reasonable cause for the
2 institution of these proceedings against the defendant property.
3 This judgment shall be construed as a certificate of reasonable
4 cause pursuant to 28 U.S.C. § 2465.

5 9. The Court further finds that claimant did not
6 substantially prevail in this action, and the parties shall bear
7 their own attorneys' fees and other costs of litigation.

8 DATED: July 23, 2009



THE HONORABLE CORMAC J. CARNEY
UNITED STATES DISTRICT JUDGE

CONSENT

13 The government and claimants consent to judgment and waive
14 any right to appeal.

15 DATED: July ___, 2009

16 THOMAS P. O'BRIEN
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20
21 FRANK D. KORTUM
Assistant United States Attorney

22 Attorneys for Plaintiff
23 United States of America

24 DATED: July ___, 2009

LAW OFFICES OF VINCENT LABARBERA

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26 VINCENT LABARBERA
27 Attorney for Claimant
28 Dieu Phan